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10 **UNITED STATES DISTRICT COURT**
11
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 **ANTHONY PETRU and MARCUS MATHIS,**
15 **Individually and on behalf of all others**
16 **similarly situated,**

17 Plaintiffs,

18 v.

19 **APPLE INC.; HACHETTE BOOK GROUP,**
20 **INC.; HARPERCOLLINS PUBLISHERS,**
21 **INC.; MACMILLAN PUBLISHERS, INC.;**
22 **PENGUIN GROUP (USA) INC.; and SIMON**
23 **AND SCHUSTER, INC.**

24 Defendants.

Case No. 3:11-CV-03892 EMC

CLASS ACTION

25 **EUGENIA RUANE-GONZALES, and all**
26 **others similarly situated,**

27 Plaintiffs,

28 v.

APPLE INC.; HACHETTE BOOK GROUP,
INC.; HARPERCOLLINS PUBLISHERS,
INC.; MACMILLAN PUBLISHERS, INC.;
PENGUIN GROUP (USA) INC.; SIMON
AND SCHUSTER, INC.; and DOES I-X,

Defendants.

Case No. 4:11-CV-04500 LB

CLASS ACTION

ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED [L.R. 3-12]

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Eugenia Ruane-Gonzales submits this Administrative Motion to relate *Ruane-Gonzales v. Apple, Inc. et al.*, Case No. 4:11-CV-04500 LB (“*Ruane-Gonzales*”), filed September 9, 2011 to *Petru et al. v. Apple, Inc. et al.*, Case No. 3:11-CV-03892 EMC (“*Petru*”), filed on August 9, 2011 pursuant to Civil Local Rule 3-12.

I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12

Under Civil Local Rule 3-12, an “action is related to another when: (1) the actions concern substantially the same parties, property, transaction or event, and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a). Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party “must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should be Related, pursuant to civil L.R. 7-11.”¹ Civil L.R. 3-12(b). That motion must include: “(1) The title and case number of each apparently related case; [and] (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a).”

II. GONZALES AND PETRU ARE RELATED CASES

The *Petru* litigation was filed in this Court on August 9, 2011. The *Ruane-Gonzales* litigation was filed on September 9, 2011 and was assigned Case No. 4:11-CV-04500 LB. These two cases involve the exact same transactions and events, the identical defendants, similar allegations and causes of action, and the same proposed class of plaintiffs. Accordingly, there

¹ “In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to Civil L.R. 5-6, must be served on all known parties to each apparently related action. A Chambers copy of the motion must be lodged with the assigned Judge in each apparently related case under Civil L.R. 5-1(b).” Civil L.R. 3-12(b).

1 will be unduly burdensome duplication of labor and expense and there will be a risk of
2 conflicting results if these cases are conducted with different Judges.

3
4 **III. CONCLUSION**

5 *Ruane-Gonzales* and *Petru* satisfy the criteria of Civil Local Rule 3-12. Therefore,
6 Plaintiff Eugenia Ruane-Gonzales respectfully requests that *Ruane-Gonzales* be deemed related
7 to *Petru* and that *Ruane-Gonzales* be assigned to the Honorable Edward M. Chen, the Judge
8 assigned to the low numbered case, *Petru*.

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11 DATED: October 4, 2011

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14 By: _____

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